

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS (LULAC), et al.,

Plaintiffs,

v.

GREG ABBOTT, et al.,

Defendants.

Civil Action No. 3:21-cv-259
(DCG-JES-JVB)
(consolidated cases)

UNOPPOSED MOTION TO MODIFY ORDER REGARDING
MOTIONS TO QUASH DEPOSITION SUBPOENAS

The United States seeks to modify the Court's Order Regarding Motions to Quash Deposition Subpoenas, ECF No. 409. The United States has conferred with counsel for the Mexican American Legislative Caucus, as well as counsel for Speaker Dade Phelan and his aides, and each indicates that they do not oppose such relief. In the Order, the Court gave the United States a deadline of July 15, 2022, to file either a notice that it no longer seeks to depose Speaker Phelan or a supplemental response setting forth why exceptional circumstances justify deposing him. *See* Order Regarding Mots. to Quash Dep. Subpoenas at 8, ECF No. 409. The Order set the filing deadline a week after the United States was scheduled to depose "two of the Speaker's aides on July 6 and 7," since "those depositions may render Speaker Phelan's deposition unnecessary." *Id.* at 7. While the July 7 deposition of one of the Speaker's aides went forward as planned, the deposition of his other aide did not because the deponent became unavailable due to illness. Counsel for the United States and Speaker Phelan's aide are working to finalize an alternative date for his deposition, which will likely take place on July 20 or 21. Further, counsel for Margo Cardwell, Speaker Phelan's General Counsel, has discussed setting her deposition on July 22, if it goes forward. Thus, the United States seeks to extend the July 15 filing deadline to the later of July 22 or two business days after the date of the Cardwell deposition, if it goes forward. A proposed order is attached hereto.

Dated: July 11, 2022

/s/ Jacki L. Anderson

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CERTIFICATE OF CONFERRAL

I hereby certify that on July 8, 2022, counsel for the United States met and conferred with counsel for Speaker Phelan and his aides concerning the subject of this motion. Counsel for Speaker Phelan and his aides did not oppose the relief sought.

/s/ Daniel J. Freeman

Daniel J. Freeman

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CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2022, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Jacki Anderson

Jacki L. Anderson

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